3rd Floor North
200 Aldersgate Street
London EC1A 4HD
Tel: 03000 231 231

citizensadvice.org.uk

**24 September 2015**

Andrew Shipp
Senior Enforcement Manager
Via email

**Citizens Advice's response to Ofgem's consultation on their Prosecution Policy Statement**

This submission was prepared by the Consumer Futures team within Citizens Advice. It has statutory responsibilities to represent the interests of energy consumers in Great Britain. We welcome the opportunity to provide a submission on the Prosecution Policy Statement that sets out Ofgem's approach to all criminal prosecutions. Our response is not confidential and can be published on your website.

**Q1: Do you agree with our proposed approach to the decision to prosecute criminal offences?**

Yes. Citizens Advice agrees that Ofgem's proposed Policy Statement makes the approach to decision-making on criminal prosecutions fair, independent, objective and transparent. It is essential that the regulator's processes are transparent for all prosecutions. We agree with the proposal that the decision to prosecute is made only once the Full Code Test has been applied. We are encouraged by the clear and co-ordinated approach Ofgem is taking to this work.

**Q2: Do you agree that the additional factors set out for consideration in relation to REMIT market abuse offences are relevant and appropriate?**

Citizens Advice welcomes the additional factors set out for consideration in relation to REMIT market abuse offences, and agree that should ensure an appropriate, transparent and suitable approach.

**Patron HRH The Princess Royal** **Chief Executive Gillian Guy**
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Charity registration number 279057 VAT number 726 0202 76 Company limited by guarantee Registered number 1436945 England
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**Q3: Are there any additional factors you feel we should set out in this policy statement?**

We think the additional factors in the Policy Statement are comprehensive.

**Q4: Do you have any other comments on this policy statement?**

It is essential that the interests of existing and future gas and electricity consumers are protected. We are supportive of Ofgem's aim to achieve a culture where energy companies put consumers at the heart of their businesses and ensure they are compliant with their obligations.

Citizens Advice welcomes Ofgem's decision in relation to making public and announcing the outcomes of public hearings in criminal prosecutions, except when releasing publicity material that may prejudice the fairness of any subsequent criminal proceedings.

Yours sincerely

Jenni Lucas-Williams

Policy Manager - Energy Retail

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